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MICHAEL G. PEDHIRNEY, Bar No. 233164  
MOLLY AGARWAL, Bar No. 247545  
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APPLERA CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MEGAN KELLY,

Plaintiff,

v.

APPLERA CORPORATION,

Defendant.

Case No. C-07-3002 MMC

**NOTICE OF MOTION AND MOTION BY  
DEFENDANT TO COMPEL DEPOSITION  
TESTIMONY OF MAUREEN MCFADDEN**

Date: April 11, 2008

Time: 9:00 a.m.

Courtroom.: 7

Judge: Hon. Maxine Chesney

TO PLAINTIFF MEGAN KELLY AND HER ATTORNEY OF RECORD,  
MAUREEN MCFADDEN:

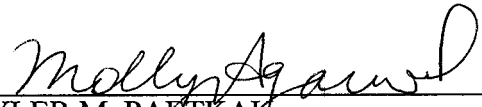
PLEASE TAKE NOTICE that on April 11, 2008, or as soon thereafter as counsel may be heard, in Courtroom 7 of the San Francisco Division of the Northern District, located at 450 Golden Gate Avenue, San Francisco, California, Defendant Applera Corporation ("Applera") will, and hereby does, move this Court for an order compelling the deposition testimony of Maureen McFadden in accordance with Rule 30 of the Federal Rules of Civil Procedure.

Applera makes and bases this motion on the fact that Ms. McFadden interjected herself between the Company and Plaintiff Megan Kelly during the time period in which Applera

1 allegedly failed to engage in the interactive process to determine whether it could reasonably  
 2 accommodate Plaintiff's alleged disability and possible return to work. Ms. McFadden had  
 3 extensive direct communications with Applera regarding Plaintiff even after the Company's  
 4 Corporate Counsel, Charles J. Heinzer, requested that she "[p]lease direct any further  
 5 correspondence regarding Ms. Kelly to my attention." (Exhibit 7 to Declaration of Tyler M. Paetkau,  
 6 filed concurrently.) Ms. McFadden interfered with, obstructed, delayed and impeded the interactive  
 7 process, and now seeks to prevent Applera from discovering information relevant to her conduct,  
 8 much of which forms the basis of Plaintiff's claim and Applera's defenses in this action.

9 Applera bases this motion upon this Notice, its Memorandum of Points and  
 10 Authorities, the Declaration of Tyler M. Paetkau (filed on March 4, 2008) and the attached Exhibits,  
 11 the pleadings and papers filed in this action, and on such further evidence and argument as the Court  
 12 may entertain at the hearing.

13  
 14 Dated: March 5, 2008

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 16 TYLER M. PAETKAU  
 17 MICHAEL G. PEDHIRNEY  
 18 MOLLY AGARWAL  
 19 LITTLER MENDELSON  
 20 A Professional Corporation  
 21 Attorneys for Defendant  
 22 APPLERA CORPORATION

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